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Approved/Disapproved by:
Felicia D. Roberts 37 CFR 1.321(c)(3) requires that a TD "Include a provision that any patent granted on that application or any patent subject to the reexamination proceeding shall be enforceable only for and during such period that said patent is commonly owned with the application or patent which formed the basis for the judicially created double patenting." [Emphasis added] The words "legal title" do not include common ownership as to equitable title.